

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division**

THOMAS L. SWITZER,)	
)	
Plaintiff,)	
v.)	Civil Action No. 5:11CV00021
)	
TOWN OF STANLEY, et al,)	
)	
Defendants.)	

**TOWN OF STANLEY, MAYOR DOUG PURDHAM, SGT. RYAN B. DEAN
AND OFFICER CHAD BROWN'S MOTION TO DISMISS**

COME NOW your Defendants, Doug Purdham, Mayor, Town of Stanley, Sgt. Ryan B. Dean and Officer Chad Brown, by counsel, and move the Court pursuant to Rule 12(b)(6) F.R.C.P. to dismiss the Amended Complaint (Document 10) on the grounds that the Amended Complaint fails to state a plausible claim upon which relief can be granted against them. Attached to the Motion to Dismiss for the Court's consideration in ruling on the Motion to Dismiss are Exhibits 1-3 which are matters of public record and were previously attached as exhibits by Plaintiff to his Complaint (Document 2-1) in Case 5:10-cv-96 which alleged virtually identical claims against the Town of Stanley, Sgt. Ryan B. Dean and Officer Chad Brown and was dismissed by this Court. Defendants further incorporate for the Court's consideration in ruling on their Motion to Dismiss Document 3-1, a 10/26/09 Warrant of Arrest and Affidavit for Protective Order by Plaintiff's wife and stepson which are also matters of public record and were attached to Plaintiff's Complaint in Case 5:09-cv-91. Defendants further rely in support of their Motion to Dismiss on this Court's previous Memorandum Opinions and Orders in Case 5:10-cv-96 and 5:10-cv-128 dismissing virtually identical claims by Thomas Switzer against the Town of

Stanley, Sgt. Ryan B. Dean and Officer Chad Brown. In support of this Motion to Dismiss a Brief is being filed this date.

TOWN OF STANLEY,
MAYOR DOUG PURDHAM,
SGT. RYAN B. DEAN and
OFFICER CHAD BROWN,
By Counsel

s/Richard H. Milnor
Richard H. Milnor, Esquire (VSB #14177)
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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of July, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

George Warren Shanks, Esquire
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Kevin O. Barnard, Esquire
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29 Franklin Road, SW
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Roanoke, VA 24006-1240

and mailed a true copy of the same by United States Postal Service to the following non-CM/ECF participant:

Thomas L. Switzer
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Stanley, VA 22851
Pro Se Plaintiff

s/Richard H. Milnor
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